

**MINUTES
EAGAR TOWN COUNCIL
REGULAR MEETING
22 W. 2nd St., Eagar, AZ
June 7, 2016 - 7:00 P.M.**

Mayor Bryce Hamblin called the Regular Council Meeting to order and welcomed those present. Mayor Hamblin requested that the record show that all Councilmembers are present. Mayor Hamblin led the Pledge of Allegiance and Allen Browning offered the invocation.

COUNCIL PRESENT: Bryce Hamblin, Mayor
James Nelson, Jr., Vice Mayor
Debra Seeley
Steve Erhart
John O. Phelps
Winslow McNeill
Allen Browning

STAFF PRESENT: Tami Ryall, Town Manager
Katie Brady, Finance Manager
Eva Wilson, Town Clerk
Bruce Ray, Public Works Director
Mike Sweetser, Interim Police Chief
Frank Adams, Fire Chief
Jeremiah Loyd, Community Development Administrator
Doug Brown, Town Attorney

ITEM #5: SUMMARY OF CURRENT EVENTS

A. MAYOR

Mayor Bryce Hamblin expressed his appreciation to Eagar staff for their hard work and dedication in their time and efforts towards John Wayne Days. He also expressed his appreciation to Councilor Debra Seeley for her efforts and dedicated time to make the first John Wayne Days Parade a success.

B. COUNCIL

None.

C. STAFF

Town Manager Tami Ryall had a reminder that pictures posted to John Wayne Days social media under #Show Your Grit and #26 Bar Ranch provides a dollar donation to the cancer foundation. A social media central location will be provided for all the pictures from the whole event.

Ms. Ryall reported that the Town was granted \$25,000 from the Commerce Authority to expand on the Master Plan (originated at the Industrial Park) and specifically arrange for a demographic analysis for the Town.

ITEM #6: OPEN CALL TO THE PUBLIC

None.

ITEM #7: PUBLIC HEARING

A. PUBLIC HEARING – FISCAL YEAR 2016-2017 TENTATIVE BUDGET AND CAPITAL IMPROVEMENT PLAN

The Public Hearing was opened to the public. Town Manager Tami Ryall stated that the Council has the official budget in form in their packets. There are have not been any changes since the approval of the tentative budget by the Council.

Mayor Bryce Hamblin asked for comments from the public. Neither the public nor the Council had any comments to make regarding the 2016-2017 fiscal year budget.

Councilor Steve Erhart moved to close the Public Hearing [at 7:04 p.m.] Councilor Debra Seeley seconded; all were in favor; motion carried unanimously. 7-0

ITEM #8: CONSENT AGENDA

A. APPROVAL OF MINUTES OF EAGAR TOWN COUNCIL MEETING(S) HELD MAY 2016

B. APPROVAL OF APRIL 2016 NATIONAL BANK OF ARIZONA TRANSMITTALS, CHECKS WRITTEN, PAYROLL DIRECT DEPOSIT VOUCHERS, AND CREDIT CARD PURCHASES

C. ACCEPTANCE OF APRIL 2016 FINANCIAL REPORT AND SALES TAX REPORT

D. APPROVAL OF AN APPLICATION FOR A SPECIAL EVENT-LIQUOR LICENSE TO THE ROUND VALLEY RODEO COMMITTEE TO BE USED DURING THE FOURTH OF JULY RODEO AT THE RODEO GROUNDS

E. ACCEPTANCE OF THE AMENDED FINAL PLAT OF RIVER RUN

F. APPROVAL TO ENTER INTO A WELL SHARING AND DEVELOPMENT AGREEMENT FOR RIVER RUN

G. APPROVAL TO ADOPT RESOLUTION 2016-08 AUTHORIZING THE TOWN TO APPLY TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S (FEMA) PRE-DISASTER MITIGATION (PDM) GRANT PROGRAM TO FUND FLOOD CONTROL MEASURES IN THE ALTA VISTA NEIGHBORHOOD, BETWEEN 4TH STREET AND 7TH PLACE

Mayor Bryce Hamblin stated there was a request to remove Items E and F from the Consent Agenda, and asked for a motion to approve the remaining Consent Agenda items.

Councilor Steve Erhart moved to approve the Consent Agenda with the exception of Items E and F. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously.
7-0

DISCUSSION AND CONSIDERATION OF:

E. ACCEPTANCE OF THE AMENDED FINAL PLAT OF RIVER RUN

F. APPROVAL TO ENTER INTO A WELL SHARING AND DEVELOPMENT AGREEMENT FOR RIVER RUN

Ms. Ryall stated that the proposed re-plat of River Run subdivision will allow for larger lots and ranch-style homes.

The Well Sharing and Development Agreement for River Run concerns the use of the water well and coordination with the developer. Historically the Town built the well on River Run property and the well was not transferred to the Town. This development agreement specifies ownership of the property surrounding the well and conveys the well by Quit Claim Deed to the Town. The agreement proposes a well sharing arrangement that River Run has the ability to use the well from "time to time". The Town shall be entitled to primary use of water from the well; and that the well use may be made by mutual agreement in writing of both parties for alternative arrangements.

Councilor John Phelps asked what "time to time" covers. Ms. Ryall stated that the agreement was drafted to foresee all the scenarios and to be flexible. The Town has had almost exclusive use of this well while providing all maintenance and electricity. This agreement effectuates the transfer regarding the property surrounding the well and allows the Town to access the well which is located on the property owner's land. In fairness to the property owner, it also allows flexibility for unforeseen needs such as a need for construction water, and many other hypothetical uses from time to time.

Mayor Hamblin asked what the common area maintenance costs would be. Ms. Ryall stated that the budgeted \$75,000 for right-of-way maintenance and to bring roads up to standard included 150,000 of inmate labor.

Mayor Hamblin asked if the maintenance costs included the possibility of a homeowners association (HOA) taking over maintenance of the common area. Ms. Ryall stated the

agreement is silent on the roles of an HOA but does not limit the Town's ability to work with an HOA. She added that the developer, Mark Reeb, is present and can answer subsequent questions.

Mr. Reeb stated he has been working with the Town on this agreement for a year addressing the issues that need to be corrected on this property. There are approximately 200 lots with Conditions, Covenants & Restrictions recorded and an HOA was never established. There are currently 60 residents with lots (besides the developer/property owner) in the subdivision and going back to establish an HOA with assessed fees would be difficult at this point in time. However, the developer is not opposed to the private property owners establishing an HOA.

Mr. Reeb stated that the developers look forward to an agreement including long-term management of the subdivision, the developer will be constructing some improvements such as a ramada with picnic tables for residents and the public. River Run is also providing money for street and retention basin improvements, and conveyance of the well and resolving other issues that have been lingering with this property.

Relating to the well in the original proposed agreement, the property owner and the Town had stipulated use of the well would be in six-month increments, however, the Town could have more flexibility to draw from the well throughout the year and this is understandable to River Run. The primary use is for the Town resident needs. Not all scenarios can be listed when River Run will need to use the well from time to time and believes the agreement allows for such flexibility to accommodate both parties.

Councilor Debra Seeley asked if the retention basin improvements include mosquito control. Ms. Ryall stated that the retention basins will be reconstructed removing the liners for percolation and/or a French drain using river rock. The goal is to not have any surface water standing within 36 hours.

Ms. Ryall stated that the amendment to the agreement is in section #7 stating that the Town shall be entitled to primary use of water from the well and that the property owner shall maintain the right to use water from the well from time to time. Ms. Ryall added that she will correct the agreement to those intentions if so approved by the Council.

Vice-Mayor James Nelson moved to accept the amended final plat of River Run and approve to enter into a Well Sharing Development Agreement for River Run with the noted changes. Councilor Steve Erhart seconded; all were in favor, motion carried unanimously. 7-0

ITEM #9: UNFINISHED BUSINESS

- A. DISCUSSION, CONSIDERATION AND SECOND READING TO ADOPT ORDINANCE 2016-03 AMENDING THE EAGAR TOWN CODE TITLE 13 PUBLIC SERVICES, CHAPTER 13.20 WATER METERS, AND ELIMINATING SECTION 13.20.080 REQUEST FOR SPECIAL READING – FEE

Finance Manager Katie Brady stated the amendment is needed in the Town Code to coincide with the Town fee schedule and that Town no longer intends to charge for the special reading fee.

Vice-Mayor James Nelson moved to adopt Ordinance 2016-03. Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

ITEM #10: NEW BUSINESS

A. DISCUSSION AND FIRST READING OF ORDINANCE 2016-04 AMENDING THE EAGAR TOWN CODE TITLE 2, ADDING SECTION 2.04.045 – COUNCIL STIPEND

Ms. Ryall is recommending this addition to the Town Code after researching the resign to run statutes and wants to clarify in the Town Code that the Eagar Town Council and Mayor receive a stipend to reimburse officials for their expenses related to their official capacity and not to be interpreted as a salary. The small stipend would be set every year within the annual budget.

B. DISCUSSION AND FIRST READING OF ORDINANCE 2016-05 AMENDING THE EAGAR TOWN CODE TITLE 6 SECTION 6.12.110 FIVE OR MORE DOG PERMIT; AND AMENDING TITLE 18 SECTIONS 18.20.050, 18.24.050, 18.28.050, 18.32.050, 18.40.050, 18.44.050, 18.48.060, AND 18.52.050 ZONING, GENERAL PROVISIONS PERTAINING TO FIVE OR MORE DOG PERMIT

Interim Police Chief Mike Sweetser stated that the Town is wanting to improve on the Five or More Dog Permit process by removing one step; eliminate the need to obtain a Conditional Use Permit and let the police department handle the permitting process. There was concern regarding removal of the public hearing process before the Planning and Zoning Commission and the proposed changes will remedy this by requiring the police department to supply notice to the public living in the area of the requested permit and allow public input.

C. DISCUSSION AND CONSIDERATION TO APPROVE RESOLUTION 2016-07 ADOPTING THE FISCAL YEAR 2016-2017 FINAL BUDGET AND CAPITAL IMPROVEMENT PLAN

Ms. Ryall stated the Council has before them the proposed resolution to adopt the fiscal year 2016-2017 final budget.

Vice-Mayor James Nelson moved to approve Resolution 2016-07 adopting the fiscal year 2016-2017 Final Budget and Capital Improvement Plan. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously. 7-0

ITEM #11: EXECUTIVE SESSION

- A. EXECUTIVE SESSION AS ALLOWED BY A.R.S. § 38-431.03.A.3 – DISCUSSION OR CONSULTATION FOR LEGAL ADVICE WITH THE ATTORNEY OR ATTORNEYS OF THE PUBLIC BODY – ISSUES RELATED TO PENDING LITIGATION ASSOCIATED WITH THE LITTLE COLORADO RIVER (LCR) ADJUDICATION (APACHE COUNTY SUPERIOR COURT – *IN SOURCE* (CV6417, CV6417-200, CV6417-201, CV6417-202)) AND REPRESENTATION OF THE LCR COALITION AND ITS MEMBERS IN SUCH LITIGATION

Councilor Erhart moved to go into Executive Session [at 7:22 p.m.]. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously. 7-0

RECONVENE INTO REGULAR SESSION

Councilor Winslow McNeill moved to reconvene into Regular Session [at 7:44 p.m.] Councilor Allen Browning seconded; all were in favor, motion carried unanimously. 7-0

- B. DISCUSSION AND CONSIDERATION OF ANY ACTION DEEMED NECESSARY FROM THE EXECUTIVE SESSION

No action was voted on from Executive Session.

ITEM #12: SIGNING OF DOCUMENTS

Necessary signatures were obtained for the Minutes of May 2016; the April 2016 Financial Pages; the Special Event Liquor License for the Round Valley Rodeo Committee; final plat of River Run; Well Sharing and Development Agreement for River Run; Resolutions 2016-07 and 2016-08; and Ordinance 2016-03.

ITEM #13: ADJOURNMENT

Councilor Allen Browning moved to adjourn the meeting [at 7:45 p.m.]. Councilor Winslow McNeill seconded; all were in favor, motion carried unanimously. 7-0

Attest: _____

Mayor: _____

Vice-Mayor: _____

Council: _____

Eagar Council Minutes Regular Meeting
June 7, 2016

CERTIFICATION OF COUNCIL MINUTES

I hereby certify that the foregoing minutes is a true and correct copy of the minutes of the Regular Council Meeting of the Town of Eagar, Arizona held on June 7, 2016. I further certify that the meeting was duly called and held and that a quorum was present.

Eva M. Wilson, Town Clerk